

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

10:20 am, Apr 04, 2019

-----X
KAREN A. INGRASSIA,
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,
-against-

MEMORANDUM OF
DECISION & ORDER
2:16-cv-00995 (ADS) (AKT)

NANCY A. BERRYHILL,
Acting Commissioner of Social Security

Defendants.

-----X

APPEARANCES:

Law Office Charles E. Binder and Harry J. Binder

Counsel for the Plaintiff
485 Madison Ave. Suite 501
New York, NY 10022

By: Charles E. Binder, Esq., Of Counsel.

**United States Attorney's Office
Eastern District Of New York**
271 Cadman Plaza East
Brooklyn, NY 11201

By: Candace Scott Appleton, Esq., Assistant United States Attorney,
Rukshanah L. Singh, Esq., Assistant United States Attorney.

SPATT, District Judge:

On August 18, 2017, the Plaintiff moved for an Order approving the contingency-fee arrangement entered into between the Plaintiff and counsel and directing the SSA to remit to Plaintiff's counsel twenty-five percent of Plaintiff's past-due SSD benefits, totaling \$31,512.23.

On September 26, 2018, the Court referred the motion to United States Magistrate Judge A. Kathleen Tomlinson for a Report and Recommendation as to whether the motion should be granted, and if so, what the award should be.

On March 19, 2019, Judge Tomlinson issued a Report and Recommendation (“R&R”) that Plaintiff’s motion for attorneys’ fees be granted, and the SSA be directed to remit to Plaintiff’s counsel \$31,512.23 in attorneys’ fees, offset by \$6,000.00, which Plaintiff’s counsel has already been awarded in attorneys’ fees. Judge Tomlinson electronically served a copy of the R&R on the parties.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. *See Coburn v. P.N. Fin.*, No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Plaintiff is awarded attorneys’ fees and costs in the amount explained in the R&R.

SO ORDERED.

Dated: Central Islip, New York

April 4, 2019

/s/ Arthur D. Spatt

ARTHUR D. SPATT

United States District Judge